

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA, *et al.*,

*Plaintiffs,*

v.

AGRI STATS, INC.,

*Defendant.*

No. 0:23-CV-03009-JRT-JFD

**ORDER MODIFYING**  
**SCHEDULING ORDER**

This matter comes before the Court on Plaintiffs' Unopposed Motion to Modify the Pretrial Scheduling Order. *See* ECF No. 164. Having reviewed the Unopposed Motion and Defendant Agri Stats, Inc.'s response (ECF 169), the Court finds it sets forth good cause to modify the June 26, 2024 Pretrial Scheduling Order (ECF 124) as follows:

1. The Parties shall continue to produce discovery materials on a rolling basis as they become available and will substantially complete production of all documents responsive to all discovery requests served prior to filing of the Unopposed Motion to Modify Pretrial Scheduling Order (ECF 164) no later than **January 10, 2025**. No Party may serve any further document requests on any other Party after **January 10, 2025**. In the event a Party anticipates that it will be unable to produce certain documents by January 10, 2025, it must inform all Parties by **January 3, 2025** and meet and confer by **January 8, 2025** regarding the anticipated production of any such documents. The Parties agree to utilize the Court's Informal Dispute Resolution process to resolve any dispute regarding the production deadlines in this paragraph.

2. Any other fact discovery except as set forth in paragraph 1 of this Order shall be commenced in time to be completed on or before **March 27, 2025**.

3. The identity of any witness Plaintiffs may use at trial to present evidence pursuant to Federal Rule of Evidence 702, 703, or 705 must be disclosed on or before **April 17, 2025**. The initial expert written report completed in accordance with Fed. R. Civ. P. 26(a)(2)(B) must be served on or before **April 17, 2025**.

4. The identity of any witness Defendant may use at trial to present evidence pursuant to Federal Rule of Evidence 702, 703, or 705 must be disclosed on or before **May 15, 2025**. The initial expert written report completed in accordance with Fed. R. Civ. P. 26(a)(2)(B) must be served on or before **May 15, 2025**.

5. The identity of any expert witness who may testify solely to contradict or rebut evidence on the same subject matter as an expert witness previously identified by another party must be disclosed on or before **June 12, 2025**. Any such rebuttal expert's written report shall be completed in accordance with Fed. R. Civ. P. 26(a)(2)(B) and must be served on or before **June 12, 2025**.

6. Expert discovery, including depositions, shall be completed by **July 3, 2025**.

7. Non-dispositive motions and supporting documents which relate to fact discovery or related matters shall be filed and served on or before **March 27, 2025**.

8. Non-dispositive motions and supporting documents which relate to expert discovery shall be filed and served on or before **July 24, 2025**.

9. All dispositive motions and supporting documentation (notice of motion, motion, exhibits, affidavits, memorandum of law, and proposed order) shall be served and filed by the moving party on or before **September 3, 2025**<sup>1</sup>. All dispositive motions must comply with Local Rule 7.1. Responses to dispositive motions shall be filed with the Court and served on or before 21 days after service of the supporting memorandum to the original motion. Replies to responsive briefs shall be served and filed 14 days after service of the response to the dispositive motion. Upon the motion being fully briefed and filed, counsel for the moving party shall email Judge John R. Tunheim's chambers at [tunheim\\_chambers@mnd.uscourts.gov](mailto:tunheim_chambers@mnd.uscourts.gov) to request a hearing date. Upon receiving a hearing date, time and location from Judge Tunheim's Courtroom Deputy, the moving party shall file an amended notice of hearing at that time.

10. This case shall be ready for a **bench** trial on **December 3, 2025**. The anticipated length of trial is **10-15 days**.

11. The hearing scheduled for January 15, 2025 is canceled.

Date: January 2, 2025

s/ John F. Docherty  
JOHN F. DOCHERTY  
United States Magistrate Judge

---

<sup>1</sup> The dates for dispositive motions and trial differ from the date the parties stipulated to based on the scheduling preferences of the district judge.